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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,401	03/17/2004	Achim Hartlaub	82448	3701

22242 7590 09/27/2005

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3682

1. The reply filed on August 1, 2005 is not fully responsive to the prior Office Action because of the omission(s) or matter(s), *e.g.*, listed below:

(a) Claims 16-20 are added after the election. However, Applicant does not indicate which added claim(s) is(are) readable upon the elected species of Figs. 1-3. See page 2 of the Restriction on January 6, 2005 and MPEP § 809.02(a); and

(b) Applicant does not submit the drawing correction in compliance with 37 CFR §§ 1.121(d) and 1.84 in response to the objection to the drawings in the Office action on April 28, 2005. Note that the drawing correction will not be held in abeyance. Please see 37 CFR 1.121(d)(2) attached.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong
September 21, 2005



Vinh T. Luong
Primary Examiner

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CONSOLIDATED PATENT RULES

Title 37 - Code of Federal Regulations Patents, Trademarks, and Copyrights

Editor's Note (July 1, 2005): All final rules that became effective since the last revision of the Manual of Patent Examining Procedure (MPEP) dated May 2004 are identified below by the *Federal Register* Notice cites and the *Official Gazette* Notice cites, where applicable. These final rules have been incorporated in the Title 37 – Code of Federal Regulations document below. The *Federal Register* Notices are the authoritative source in the event that there are discrepancies between the patent rules in this document and the rules as published in the *Federal Register*.

TITLE: Revision of Power of Attorney and Assignment Practice
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 29865 (May 26, 2004)
OFFICIAL GAZETTE: 1283 O.G. 148 (June 22, 2004)
EFFECTIVE DATE(S): June 25, 2004

TITLE: Changes To Representation of Others Before the United States Patent and Trademark Office
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 35427 (June 24, 2004)
OFFICIAL GAZETTE: 1288 O.G. 109 (Nov. 16, 2004)
EFFECTIVE DATE(S): July 26, 2004

TITLE: Elimination of Credit Cards as Payment for Replenishing Deposit Accounts
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 43751 (July 22, 2004)
OFFICIAL GAZETTE: 1285 O.G. 101 (Aug. 17, 2004)
EFFECTIVE DATE(S): Aug. 23, 2004

TITLE: Rules of Practice Before the Board of Patent Appeals and Interferences
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 49959 (Aug. 12, 2004)
OFFICIAL GAZETTE: 1286 O.G. 21 (Sept. 7, 2004)
EFFECTIVE DATE(S): Sept. 13, 2004

TITLE: Revision of Patent Fees for Fiscal Year 2005
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 52604 (Aug. 27, 2004)

OFFICIAL GAZETTE:
EFFECTIVE DATE(S): Oct. 1, 2004

TITLE: Revision of Patent Fees for Fiscal Year 2005; Correction
ACTION: Final Rule; Correction
FEDERAL REGISTER: 69 FR 55505 (Sept. 15, 2004)
OFFICIAL GAZETTE:
EFFECTIVE DATE(S): Oct. 1, 2004

TITLE: Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan
ACTION: Final Rule
FEDERAL REGISTER: 69 FR 56481 (Sept. 21, 2004)
OFFICIAL GAZETTE: 1287 O.G. 67 (Oct. 12, 2004)
EFFECTIVE DATE(S): Sept. 21, 2004, Oct. 21, 2004, and Nov. 22, 2004

TITLE: Rules of Practice Before the Board of Patent Appeals and Interferences
ACTION: Final Rule; Correcting Amendments
FEDERAL REGISTER: 69 FR 58260 (Sept. 30, 2004)
OFFICIAL GAZETTE:
EFFECTIVE DATE(S): Sept. 30, 2004

TITLE: Changes To Implement the Patent Fee Related Provisions of the Consolidated Appropriations Act, 2005
ACTION: Final Rule
FEDERAL REGISTER: 70 FR 3880 (Jan. 27, 2005)
OFFICIAL GAZETTE: 1291 O.G. 133 (Feb. 22, 2005)
EFFECTIVE DATE(S): Dec. 8, 2004

TITLE: Changes To Implement the Cooperative Research and Technology Enhancement Act of 2004
ACTION: Interim Rule
FEDERAL REGISTER: 70 FR 1818 (Jan. 11, 2005)
OFFICIAL GAZETTE: 1291 O.G. 58 (Feb. 8, 2005)
EFFECTIVE DATE(S): Dec. 10, 2004

TITLE: Revision of Search and Examination Fees for Patent Cooperation Treaty Applications Entering the National Stage in the United States
ACTION: Interim Rule
FEDERAL REGISTER: 70 FR 5053 (Feb. 1, 2005)

sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be

reinstated only by adding the claim as a “new” claim with a new claim number.

(d) *Drawings:* One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled “Replacement Sheet”. Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as “New Sheet”. All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as “Annotated Sheet” and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

(e) *Disclosure consistency.* The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspondence between the claims, the remainder of the specification, and the drawings.

(f) *No new matter.* No amendment may introduce new matter into the disclosure of an application.

(g) *Exception for examiner’s amendments.* Changes to the specification, including the claims, of an application made by the Office in an examiner’s amendment may be made by specific instructions to insert or delete subject matter set forth in the examiner’s amendment by identifying the precise point in the specification or the claim(s) where the insertion or deletion is to be made. Compliance with paragraphs (b)(1), (b)(2), or (c) of this section is not required.

(h) *Amendment sections.* Each section of an amendment document (*e.g.*, amendment to the claims, amendment to the specification, replacement drawings, and remarks) must begin on a separate sheet.